



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY — APRIL 9, 2003 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MARCH 12, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. CINTRON MOBILE HOME PARK – CEDAR AVE.

PUBLIC HEARINGS:

1. **MARGHERITA'S HAIR ZONE (PROKOSCH) SITE PLAN AND SPECIAL PERMIT (#03-02) WINDSOR HIGHWAY (PROKOSCH)** –Proposed Hair Salon with caretaker's apartment.
2. **BEATTIE ROAD ASSOCIATES–(02-36) BEATTIE ROAD (MIELE)** Proposed 5-lot residential subdivision.

REGULAR ITEMS:

3. **TRAINOR / ROOSJE LOT LINE CHANGE (03-09) LOT #4 ROOSJE LANE (TRAINOR)** Proposed lot line change of 35'.
4. **FIRST COLUMBIA (02-200) DEIS – DETERMINATION OF COMPLETENESS**

DISCUSSION

ADJOURNMENT

(NEXT MEETING –APRIL 23, 2003)

April 9, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 9, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ALSO PRESENT: NEIL SCHLESINGER

ABSENT: JIM BRESNAN

REGULAR MEETING

MR. PETRO: I'd like to call the April 9, 2003 meeting
to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. PETRO: We have one of our alternates sitting in
tonight, Mr. Mason filling in for Mr. Bresnan who's
ill.

April 9, 2003

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APPROVAL OF MINUTES DATED: MARCH 12, 2003

MR. PETRO: Approval of the minutes dated March 12, 2003.

MR. ARGENIO: I make a motion we approve the minutes as written.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept those minutes as written. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

CINTRON MOBILE HOME PARK

MR. PETRO: You have a check for \$140 made out to the Town of New Windsor? Mike, has someone from your department been there? Do you have any outstanding comments?

MR. BABCOCK: Everything's fine there, Mr. Chairman.

MR. PETRO: Motion for one year extension?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

MARGHERITA'S HAIR ZONE (PROKOSCH) SITE PLAN AND SPECIAL PERMIT #03-02

Mr. Al Prokosch appeared before the board for this proposal.

MR. PETRO: Proposed hair salon with caretaker's apartment. This application proposes conversion of an existing residence into a hair salon with caretaker's apartment. Plan was previously reviewed at the 26 February, 2003 planning board meeting and is before the board for a public hearing at this meeting. It's in a C zone, proposed hair salon service establishment which is a use by right. Caretaker apartment is a special permit by this board. Lead agency coordination letter was issued on the 12th of March. New York State has responded?

MS. MASON: Yes.

MR. LANDER: New York State DOT?

MR. PETRO: Yes, the intended driveway location does not meet minimum offset per State specifications. The plan should be brought up to DOT specifications prior to any approvals. So, Mark, I guess you're going to fill us in on that? Have you seen that, Mark?

MR. EDSALL: I saw the letter, I'm not quite sure what Mr. Burns was looking for, but I'm sure the applicant's architect and engineer are working with them.

MR. PROKOSCH: I'll have those drawings this week, probably tomorrow.

MR. LANDER: Do we have--

MR. PETRO: Do you have a map for here?

MR. PROKOSCH: No.

MR. LANDER: Do you have anything from Fire?

MR. PETRO: Fire is approved 1/28/03 but we do not have DOT approval and the coordination letter is not up, 30 days, because this is not a response to that, this is just a comment so we can't do lead agency either. Just quickly what you're doing here so we can hear it one more time.

MR. PROKOSCH: We've got a parking lot in the front, we have 14 spots total, that's including two in the back for the apartment. We've got curbing coming from the road in approximately 300 foot of curbing encircling the whole parking lot. We've got a culvert underneath the driveway that we'd like to extend and connect to the culvert underneath the transmission place which is going to be shown on the new drawings.

MR. PETRO: Most of which is existing there, correct?

MR. PROKOSCH: None of the parking lot.

MR. PETRO: But the structure?

MR. PROKOSCH: Yes.

MR. PETRO: You're not changing the structure other than the remodeling that you're doing?

MR. PROKOSCH: Remodeling the inside, tearing off the front porch, putting a new front porch on.

MR. LANDER: Mark, in your comments, you have they were forwarded to DOT?

MR. EDSALL: Yes.

MR. LANDER: And well, the lead coordination letter has what I'm referring to on the 12th of March but Mark is the board maybe able to assume lead agency?

MR. EDSALL: If they have responded which apparently they haven't, I was kind of hopeful that we'd have something by tonight.

MR. LANDER: All right.

MR. PETRO: We've seen this, there's not too many changes, not too much to look at. It's now open to the public for any comment. On the 25th day of March, 2003, 48 addressed envelopes were mailed out with a notice of public hearing. If someone is here that would like to speak, come forward, state your name and address? Is there anyone here who'd like to speak? All right, Chair recognizes that no one wants to speak, therefore, I will entertain a motion to close the public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'd open it up back to the board for any further comment which I don't think there's too many further comments, we're just basically waiting for DOT. Mark, you're going to have to get something with them, find out exactly what they want on the plan.

MR. EDSALL: Yeah, in all candor, there's not a lot that can be changed. It's a very short amount of frontage on the state highway and wherever they want the curb cut, they can slide it in and they'll just modify the parking. So we don't have a lot of options here, so it's going to be kind of the tail wagging the dog, whatever DOT wants for the access.

MR. PETRO: Look into it and see, I think the board was happy the way it was, but it's not our call, so see what happens with the DOT. And the comment would be

obviously at the next meeting, the lead agency would be expired, therefore, we can take action one way or the other. If we don't hear anything back, if that's the only comment, we'll go forward then.

MR. LANDER: Mr. Chairman, the applicant was told that he needs sprinklers in this building.

MR. PETRO: Sprinklers, why is that, Mike, how many square feet is the building?

MR. BABCOCK: It's not the square footage, it's the use, mixed use, we're having a little debate with the State of New York, they believe that he needs a sprinkler system in this building, we don't believe he does so--

MR. PETRO: Who's they?

MR. BABCOCK: The State of New York.

MR. PETRO: How did they get involved?

MR. BABCOCK: Well, I'm not sure but now we've got some phone calls in to them, tomorrow I'm supposed to contact them, I called them today, give them the insight, tomorrow, sometime tomorrow I'll be talking to him and figure it out. Bobby Rogers and I went through the code today and we don't feel he has to put a sprinkler system in.

MR. PETRO: What's the mixed use?

MR. BABCOCK: It's in the code, Mr. Chairman, that took effect and when there's a mixed use.

MR. ARGENIO: New State Code?

MR. BABCOCK: New State Code.

MR. LANDER: When was that?

MR. BABCOCK: January 1st, we just found out about this last Friday, this is when they called me.

MR. PETRO: It's not a planning board issue, so we're going to--

MR. BABCOCK: We'll handle that internally.

MR. PETRO: Ron and I were just curious.

MR. LANDER: 5,000 square feet.

MR. PETRO: New York State is 16,000?

MR. BABCOCK: Depends on the type of construction and the use of the building.

MR. PETRO: Any other comment other than that on this application? When we hear back from DOT, I guess Mark will get in touch with you, we'll find out what they want implemented on the plan.

MR. PROKOSCH: That's already been taken care of, they've told us what they want.

MR. PETRO: Since the letter came to me?

MR. PROKOSCH: Yes, the architect has it, he should have been done today but he wasn't.

MR. PETRO: Why don't you tell us?

MR. PROKOSCH: He was looking for distance to the driveway at the transmission place, distance to the neighbor's driveway.

MR. LANDER: Looking for sight distance?

MR. PROKOSCH: Yeah, distance to the driveways on the Carpet Mill and nearest road marker, speed limit sign.

MR. PETRO: He's looking for, he wanted nothing changed, he just wants it on the plan.

MR. PROKOSCH: Right, so he can see sight distance.

MR. PETRO: Let me have that plan back before you leave. Okay, we'll see you next time.

BEATTIE ROAD ASSOCIATES (03-36)

Mr. Mike Miele appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 85 acre parcel into 5 single family residential lots. Plan was previously reviewed at the 8 January, 2003 planning board meeting and is here tonight for a public hearing. R-1 zone which is a permitted use in the zone. We noted in the previous review that some of the bulk requirements on the plan need to be corrected and I guess corrections are still needed?

MR. EDSALL: I never got the new plan so same comments as last time.

MR. PETRO: Why don't you just go over it quickly, tell us what you're doing, then I want to go to Mark.

MR. MIELE: It's an 80 plus acre tax lot being subdivided by Beattie Road. We're breaking it up into a 5 lot subdivision, 4 lots roughly 2 plus acres and a remaining--

MR. PETRO: What's the smallest lot?

MR. MIELE: Two acres.

MR. PETRO: Mark, what comments weren't addressed since the last meeting, you said the open items that we had last time are still open?

MR. EDSALL: There was some comments relative to the sanitary systems, I believe some bulk table corrections, couple notes that needed to be added to the plan, nothing of any significance that would affect the layout of the plan, unless there's problems with the sanitary systems.

MR. MIELE: We submitted plans. One note was you wanted the criteria for lot line change or sight distance to be included, one of the bulk requirements we updated.

MR. EDSALL: Nothing of any significance to affect the layout of the plan.

MR. PETRO: Where is the sight location on this, Mark, is it right, where is it on Beattie Road?

MR. EDSALL: Hard to describe.

MR. PETRO: Just on a section of Beattie Road, right? It's not showing us here.

MR. EDSALL: No, it would be helpful to have a location plan, it says on here about 1.2 miles in from 207.

MR. PETRO: Okay.

MR. LANDER: Where is the nearest street, nearest street to the subdivision?

MR. MIELE: Approximately this way maybe half mile, quarter of a mile, it's Shaw Road.

MR. PETRO: We don't have anything back from Highway either Mark?

MR. LANDER: Because we don't know whether this is on a turn, whether--

MR. PETRO: Here on one of his comments at the last meeting sight distance shown for the proposed driveway locations, I have not yet had an opportunity to review these with the highway superintendent and we don't have any comment back.

MR. LANDER: For driveway locations but where this is emptying out on Beattie Road we don't know where it is.

MR. ARGENIO: Yes, it's, they're right near the black dot on the end of the road on the right. See it?

MR. MIELE: What's the question again?

MR. ARGENIO: The indication for the sight distance for the 50 foot right-of-way for the last lot, do you see it, Ronny, on the right side there?

MR. LANDER: Right.

MR. ARGENIO: 550 and 800.

MR. LANDER: Right.

MR. PETRO: Looks like the public is anxious, so can everybody have a seat please? We'll open it up. This is a public hearing, we're going to open it up at this time. On the 25th day of March, 2003, 17 addressed envelopes containing the public notice for the public hearing were mailed out. If someone is here who'd like to speak for or against the application, be recognized by the Chair, come forward, state your name and address and your concerns. Would someone like to speak?

MR. CULLEN: My name is Mike Cullen, I live at 454 Beattie Road.

MR. PETRO: Your concern?

MR. CULLEN: I have four quick concerns, three quick ones. The first one is there's a rare American elm along lot 1 right along the road frontage and I think they should try to save this, as you know, Dutch elm disease wipes out most of the elms, right along the road. The second comment I have is I want to ensure that the board makes the applicant follow all, exercise all caution for in regards to the wetlands protection, there's a New York or State wetland over down to the southern corner of the large lot and I think there's a Federal wetlands that infringe on lot 1.

MR. MIELE: Down here or on this piece?

MR. CULLEN: There's a Federal wetlands right in here.

MR. PETRO: Mark, have you reviewed that at all?

MR. EDSALL: No, they have discussed with us the fact that they have to depict all wetlands on the plan that affects the subdivision. Now, obviously, if there's wetlands in areas that they're not proposing for development at this time, we may not get involved with

that at this point. If they come back for resubdivision, we'll deal with it when they're impacting those areas that are affected.

MR. PETRO: You're saying it's impacting one of the lots now?

MR. CULLEN: Yes, there's a Federal wetland that infringes right onto lot 1.

MR. MIELE: Where the lot is or where the house is?

MR. CULLEN: Right where the lot is.

MR. PETRO: I'll tell you what, let's not spend a lot of time on it, depict the Federal wetlands, you have an overlay map that you can get ahold of, plot it on this.

MR. MIELE: It's about right here.

MR. PETRO: Plot it on there so we can see it. Is it on there now?

MR. ARGENIO: It's not on there.

MR. CULLEN: State and Federal wetlands?

MR. MIELE: They weren't delineated. It shows an area wet but it's nowhere near where we're planning to disturb, that's why I didn't have it delineated.

MR. PETRO: I know but it's on the lot, he's right, let's put it on the map, show it on that site. Mark, just review it, okay, and make sure we have all the necessary setbacks.

MR. MIELE: They're not delineated but I have no problem showing it on the map.

MR. CULLEN: Third comment is pertaining to lot 4 which is adjacent to my structure, residence, I'd like to request if they can put a note on the plans that the proposed driveway and structure cannot be relocated any closer to the existing residential neighborhood to the north, in other words, follow the plan as it's sketched

and not get changed.

MR. PETRO: Well, you see that dotted line on the map? There's a dotted line that goes around that lot, that's the envelope that they can build in. We wouldn't have the right to tell them to change that. If they're within that envelope on that site, they're within all the setbacks set by law for the perimeter of their lot, so they can build anywhere they want in that area. Now this is going to be serviced by septic and well?

MR. MIELE: Yes.

MR. PETRO: I'm sure that they're going to need separation for those too so kind of be reasonable that they couldn't really be too far to one side because you need a separation between the well and septic because naturally it happens that the house is going to be somewhere approximately where it is, you couldn't put it way down in the corner.

MR. CULLEN: Assuming they did all that kind of work, I assume it would be pretty close to where it is now, right?

MR. PETRO: I would think so.

MR. CULLEN: Not drastically altered?

MR. PETRO: No.

MR. LANDER: Just from the topo on the map, they don't have a lot of movement with their separations.

MR. CULLEN: Okay. Pertaining to the same concept, I request that the building heights comply with the code requirements and no exceptions, I believe it's 35 feet.

MR. PETRO: They'd have to do that, otherwise, they'd be looking for a variance, which I don't think they'd get, they're not even proposing that.

MR. CULLEN: I'd like to request that any and all outdoor lighting, whether it's street lighting or residential lighting be utilized downlighting fixtures

to mitigate any light pollution.

MR. PETRO: I don't think there's any lighting on the homes. You're talking about in the street itself?

MR. CULLEN: Any street lighting down the line and/or any residential lighting, no spotlights shining out.

MR. PETRO: There's guidelines for the streetlighting, right?

MR. EDSALL: I don't believe there's any streetlighting here. In any case, they're not proposing any public improvements, so they wouldn't be installing any lighting, any lighting would be part of the residential construction and I don't know that we have codes that prohibit different type fixtures.

MR. PETRO: That's a very unusual, I haven't heard too many problems with somebody having a house and having the neighborhood lit up. Usually, it's a commercial building then we'd have the curves, show how far the light goes out, but not in residential because I can't imagine what somebody would be doing there with a huge light.

MR. CULLEN: Spotlights, sometimes they'll think it's good for security, but it might be infringing on neighbors.

MR. PETRO: I guess your neighbors and you should work it out, I don't know, with a BB gun or phone call but it gets worked out.

MR. CULLEN: One of the things we're concerned with is visual screening, the board requests that the applicant put additional screening and berming, it's an open meadow.

MR. PETRO: Why don't you go over that, do you have a landscaping plan and/or what's your plan for the screening on the back yard? You're talking about 4 and 3, lots 4 and 3?

MR. CULLEN: Yeah, lots 4 and 3 and anything that might

happen behind us at a later date.

MR. MIELE: I don't have a landscaping plan created now, we're going to be keeping the house generally where it's shown mostly in the center you're talking about berming along the edge or--

MR. CULLEN: Yes, within like perhaps the side yard setbacks.

MR. PETRO: Is there a tree line now to the rear of the property? What's there now? Are there tree lines?

MR. MIELE: To the rear?

MR. CULLEN: It's open meadow in the rear.

MR. MIELE: Here or back here the tree line is back behind the property line, otherwise, it's pretty open.

MR. PETRO: I would ask that you not disturb anything that's already in the, see the dotted line for your envelope outside of the setback, just let it stay the way it is.

MR. MIELE: That's fine, we weren't planning on doing anything.

MR. CULLEN: How about additional screening like berming and/or vegetative growth between the houses, can the board, can we request that?

MR. PETRO: I'm not sure that that's--

MR. MIELE: Looking for screening from view of your house?

MR. CULLEN: Between the two, yes.

MR. PETRO: I'm not sure that I'd require that, I would ask you if you want to do anything there--

MR. MIELE: Okay, I mean, usually I deal with that when we get to the plot plan and building permit itself.

MR. LANDER: Well, if you were going to put screening, this is the time to pick this thing up right now instead of later on when we have no--

MR. MIELE: I can see screening on a small postage stamp lot, but this lot is 2.3 acres.

MR. PETRO: I'm not disagreeing with you, I'm just asking you have somebody asking, you want to say no, we're not putting additional screening.

MR. MIELE: At this point, I don't have a landscape plan prepared.

MR. PETRO: We'll leave it open or if you see them over there or you have an idea, usually if we have a different zone, commercial zone next to it, this is residential, we definitely get into screening much more than I would on this. When you have all individual lots, we usually don't require a builder to put screening in between each lot. You heard me ask him to leave what's already there, no sense in disturbing that, sometimes there's a stone wall or there might be some vegetation or trees and that he agreed to do so let's leave it at that. Do you have another question?

MR. CULLEN: Last thing is just I think it covers a lot of the neighbors is the concern about future development and I heard you mention that this is an 80 acre subdivision and I think we all almost know that it is the entire Mulligan complex is like a 204 element and we're wondering why there's being a segmentation of the whole process. SEQRA sort of steers you towards comprehensive analysis of the development.

MR. PETRO: Well, he's just elected to do it in this fashion. But if you notice between lot number 3 and lot number 2, they're leaving a 50 foot right-of-way to access the rear of the property which are remaining 63 acres, so if I were you and anybody else in the room I'd assume that it will be developed according to Town Code and that would be whatever the permitted right and use of that property is by law and the size of the lots would be according. It's R-1 zone?

MR. BABCOCK: Yes.

MR. PETRO: So you need 80,000 square foot, that would be your smallest lot which is approximately two acres.

MR. CULLEN: How does myself and you as the board review and determine impact when you don't look at it comprehensively like for maybe a water quality or water--

MR. PETRO: Thing is where would you draw the line, where would it end? What we're doing here we're going to review it comprehensively, we're reviewing the lots that he has before the board at this time. We don't know that he's going to develop the rest of the property, could be five years, ten years, three years, I'm not sure, but we're reviewing what he's showing us now so to answer your question, that is the answer to your question.

MR. CULLEN: Isn't it segmentation?

MR. PETRO: Not necessarily because where would segmentation end? You can take this piece and have another piece next to it and piece next to that, we can go all the way down to Route 9W and say where are we going to end this?

MR. CULLEN: We know this is the Mulligan Estate, we know that that's going to happen, I think to do a proper environmental analysis, you need to look at the whole plan, master plan and EIS.

MR. PETRO: Well, it is already, it's already zoned for, part of the answer it is already zoned for single family, so whatever a master plan was conceived and done that's when they looked at the whole picture and the whole property is set for single family homes, he's just electing to build 5 out of a possible 40 at this time.

MR. CULLEN: So you as a board feel comfortable about reviewing for impacts in the segmented process?

MR. PETRO: Again, I disagree that it's segmented.

MR. ARGENIO: We only have the ability to review what's in front of us. We can't speculate as you can't speculate specifically what's going to occur next year, the year after, five years after that. Now, you maybe are correct in saying that at some point in time the rest of that's going to be developed but as it stands right now, we don't have that information in front of us to review.

MR. PETRO: Keep in mind even if you're right, let's say there's going to be an 8 inch drain pipe put in for the 5 houses, you're correct when they build another 40 houses, that eight inches drain pipe is not going to work. At that time, we would have to upgrade that system and then it would have to work for the whole system. So to review it now and say for him to put that in now just wouldn't make any sense because it may never be developed.

MR. CULLEN: First I see the easement for Phase 2 so I assume you see that?

MR. PETRO: That's what I just said, if you look between lots number 3 and 2, there's a 50 foot right-of-way to the balance of the 63 acres.

MR. CULLEN: How can you as a board look for safety issues perhaps like traffic concerns, additional traffic and all that if you don't look at it comprehensively?

MR. PETRO: He has a 50 foot right-of-way to the road, he has every right same as everybody else and that's it.

MR. CULLEN: But we have to rely on you guys to make sure that all safety and environmental regulations are followed and met.

MR. PETRO: Well, before it leaves here, this is the town road, the highway superintendent would have to sign off on it the sight distance which you can see here is actually pretty good, see 550 and 800 so that location, is it approved here yet, he's still reviewing

that but you're right, if that doesn't occur, then they can't go there. So we would stop that. Now we're assuming that that access point on Beattie Road would take care of the remaining 63 acres, that's going to be part of what we're doing now.

MR. CULLEN: Okay, so to conclude, you're saying the board doesn't feel this is segmentation process and even though we sort of see a Phase 2 going to be proposed that it's okay for us to look at this this way?

MR. PETRO: I don't believe it's segmentation or don't see Phase 2, says remaining lands.

MR. CULLEN: Well, I see 25 typical temporary driveway easement until Phase 2 access road.

MR. PETRO: He can call it whatever he wants.

MR. MIELE: Phase 2 meaning not now.

MR. PETRO: I see 63 acres that could or could not be developed.

MR. CULLEN: I guess the last thing is is this small subdivision process with its designation as small subdivision, does it circumvent the Department of Health involvement or would that be involved?

MR. EDSALL: It's a major subdivision by Town Law and that's why the public hearing is mandatory. I don't know if I would agree with the term circumvent. The State Law specifically provides the threshold when Health Department reviews are mandatory and this doesn't meet that requirement. You're correct that if there was more lots, they may have to go. The point being as Mr. Argenio said, we can only review what's before us, what they have before us does not meet the criteria of State Law to mandate Health Department review.

MR. CULLEN: Okay, I think that's my questions. Thank you.

MR. PETRO: That's some three questions we went through there. Very good, though. Young lady wanted to speak? Your name?

MS. JEZIK: Susan Jezik. We have the farm property that's in back of it, abuts, yeah, the Jezik property. What I'm looking at is what's going to happen back here cause this is pretty much close to Beattie Road, our property is back here, oh, wait, right here, now, this is what this is, correct?

MR. MIELE: Correct, this is Beattie Road.

MS. JEZIK: This is just showing it and this is the grand view, bigger view of it, okay. So the houses are going to be here and here, now the property that we have is pretty much landlocked because it's just like an easement, a right-of-way onto 207, just a very narrow road that maybe one car can pass to get to and this is pretty much I guess the only open land that's left in the area and what I'm looking at is trying to see if there's a way that I can talk to somebody or for my mother-in-law and my family to see if we can--

MR. PETRO: Talking about these three lots up on the top up here?

MS. JEZIK: Yeah, there's how many acres up there, a hundred and something acres that we have up there and, you know, they have it since 1951 and I know she pays full tax on it and she really doesn't have any way and we also have property, my husband and I and my brother-in-law on Beattie Road, so we have always for years she's been trying to do this and it just, you know, the years go by and it doesn't get done but it would be ideal for us if we could get somehow somewhere an easement or some kind of way to get across Beattie Road to her farmhouse.

MR. LANDER: Is your property landlocked those three lots that I see up here on the top of this page?

MS. JEZIK: All that property, yes, pretty much it is because--

MR. LANDER: Well, either you don't have frontage on a town road or you do. There's no way to get to a town road, your property doesn't come out on a town road anywhere?

MS. JEZIK: There's a little tiny road and there's an overhead of a bridge that goes across, it's a dirt road and you could never get two cars, you know, two lanes, you could never, you know, as far as getting in and out.

MR. LANDER: So you'd like to talk to these people and find out if you can get the right-of-way?

MS. JEZIK: Yeah, I'd like to speak to somebody.

MR. PETRO: Hold on, before you start, lot number 5, it goes from Beattie Road to her property, the size of that lot is?

MR. MIELE: Over with the lands behind it, we're talking about 75 acres.

MR. EDSALL: The north portion?

MR. MIELE: The north portion is 12.3.

MR. PETRO: Why not a 50 foot right-of-way up on the, you know, you don't have any topo, what's this north and south here, so west, the west side of the lot, the short side up there, 50 foot from Beattie Road to the remaining lands in the back, of course, can you work that out with this?

MR. DINARDO: Yeah, if I can, Robert DiNardo, I'm the attorney for the applicant. What I suggest is we discuss this right after the meeting and if we need to meet, we'll meet and we'll pursue it. I don't think it's critical for tonight's application. We understand your concern and let's talk about it.

MR. PETRO: Of course we're not going to get involved if they give you a number to purchase that property or however you convey that property, we're asking him to look into it which he's agreeing to do. So we're not

involved with any of the other technicalities. But obviously, it would be a good idea and it would be a perfect opportunity, it would not hinder your lot in any way as far as we're concerned, right, Mark? I mean, the envelope is still plenty.

MR. EDSALL: There's plenty of room and the reason why there's no 50 foot access shown on the portion is they have frontage along the entire strip. If at some time in the future they decide to resubdivide the north section of lot 5, they could at that point take into account with the road system a cross-connection to the Jezik's property.

MS. JEZIK: Is there any road now that's going somewhere around there, like this is Beattie Road here?

MR. BABCOCK: Yes.

MS. JEZIK: And the power line is right here and this is going to be, these are homes now.

MR. MIELE: They're existing homes.

MR. ARGENIO: Mrs. Jezik, the location map on this plan is not real great, when you go home tonight, how do you go home? How do you get to your house?

MR. MIELE: She doesn't live there.

MR. ARGENIO: How do you get to that property?

MS. JEZIK: I have vacant land now on Beattie Road with my husband and my brother-in-law, we have, there's about 20 acres, this is 20 years ago and my brother-in-law still lives there, he's on 306 Beattie Road and that property is my mother-in-law and my husband's and this is also a relative of ours, this was also bought, these actually these four lots back here.

MR. ARGENIO: I'm asking how do you get to the property now?

MS. JEZIK: Take 207 to Beattie Road.

MR. ARGENIO: Make a left on Beattie Road?

MS. JEZIK: I couldn't get there from Beattie Road, that's the thing, I want to try to get some access cause we have a lot of property there and just be able to--

MR. PETRO: Got it pretty well resolved.

MR. EDSALL: I think the answer is if they come back with another application on the north section, it's an issue then to try to consider a connection and in the interim, if you negotiate something great.

MR. DINARDO: We're happy to discuss it now.

MR. PETRO: Try to negotiate something. Now keep in mind any 50 foot that you'd give up frontage on Beattie Road, you'd gain that frontage on the road that you're giving access to.

MR. DINARDO: We'll take Mr. Edsall's comments into consideration.

MR. PETRO: I would stay and talk to him, find out what he can do there on lot number 5.

MS. JEZIK: Okay, and one more question, do you know what's going to happen back up in here? You don't know yet?

MR. DINARDO: Not with any specificity, no.

MS. JEZIK: So that would be later cause I don't know what trees, I'm with the other guy there, I try to preserve whatever trees, you know, if there was a way, you know, because I know when you develop, you know, some develops take everything down and it, you know, they could keep whatever trees that are there, you know, I like that.

MR. DINARDO: That's the way most of the public feels.

MR. JEZIK: That's about it.

MR. PETRO: Thank you. Anyone else like to speak on a different subject?

MR. COONIS (PHONETIC): Stephen Coonis. The rear of this property as you come in off Beattie there are two very large parcels of property that are landlocked, one is approximately 118 acres and the other one is 103 acres and the only way into these properties at present is over an old broken down railroad trestle bridge, so this would be a perfect opportunity if you can--

MR. PETRO: Can you turn that so I can see where you're pointing? Okay.

MR. COONIS: So this would be a perfect opportunity for the board to have a long range plan.

MR. PETRO: Where are the two pieces?

MR. COONIS: 55-1-60 and 55-1-61 which one of them may not be on this map and this would be a perfect opportunity in the best interest of long range planning to provide ingress and egress for these two landlocked pieces, large parcels.

MR. PETRO: But they're on this side now?

MR. COONIS: Tax map here, this is the Mulligan farm here, this is the new road that's coming in, this is piece number one right here 118 acres and this is parcel number two here, Mr. Chairman, which is 103 acres.

MR. PETRO: Right now we're only developing this piece, this is the right-of-way that we're leaving in.

MR. COONIS: I understand that but I just want to, if the board would take into consideration when they're developing this piece that the roads are provided to get back there when its future development occurs, the planning takes place now that this road unlocks these two parcels.

MR. PETRO: I agree with you a hundred percent but the only thing we can do now is make sure that this road

that's entering this property is to town specs which would be 50 foot, so that's the best that we can do at this point. They're not building this road because it's not going anywhere, we're leaving the 50 foot right-of-way which would make it suitable for a town road so when they come back to do this if they ever do we can explore and we'll need somebody here to remind us.

MR. COONIS: Be here.

MR. LANDER: Do you own that piece?

MR. COONIS: I'm the contract purchaser of that piece, I have a vested interest.

MR. PETRO: You can also contact this gentleman at this time to have the right-of-way now maybe to help you out somehow.

MR. COONIS: We'll contact him.

MR. PETRO: But you have access here, just a matter of getting an easement across that property?

MR. COONIS: I just wanted to appear before the board for the record and so we can keep that in mind for this development as we go into future development, Mr. Chairman.

MR. PETRO: We agree.

MR. COONIS: Thank you.

MR. PETRO: Anybody else?

MR. BERRY: John Berry, 462 Beattie Road. I was wondering if you can read this? Maybe I'm not reading that correctly, maybe you can help me with that.

MR. PETRO: Segmentation is defined as division of environment, review of an action so that various activities or stages are addressed as though they were independent, unrelated activities, individual determination of significance except in special

circumstances considering only a part segment of an overall action contrary to the intent of SEQRA. What does it mean? That means I still say what I said before and that's the end of it. I'm not going to go any further. It's not segmentation.

MR. BERRY: But on the drawing they have Phase 2.

MR. PETRO: Don't come back in this room with Phase 2, take it off and put lands to remain.

MR. BERRY: Hold on one second. What were their intentions on putting Phase 2 on that?

MR. PETRO: There's no intentions.

MR. BERRY: Why ain't they showing the whole picture?

MR. PETRO: Because they're remaining lands.

MR. BERRY: Why do they call it Phase 2? In construction terms, Phase 2 is Phase 2.

MR. PETRO: They're telling you that they're not going to build this out at this time, that's what they're telling us. We can only go by what they're telling us. If they're going to build, they have to make application and come in for the remaining lands.

MR. BERRY: So the way basically if you're going to build in the Town of New Windsor, the way to get through the door would be build 4 houses, 5 houses at a clip?

MR. PETRO: Four houses would be a minor subdivision and you wouldn't need to do half of what they're doing. This is a major subdivision.

MR. BERRY: And you just said something interesting. It's a major subdivision, but it's not being addressed in front of the people tonight as a major subdivision.

MR. PETRO: I think we are.

MR. BERRY: No, no, no, you just said this doesn't

apply, it's just a smaller project.

MR. PETRO: This is a part of the property that they're developing, they're not developing the remaining lands, how can I possibly review anything? I wouldn't even know how many houses they're going to put.

MR. ARGENIO: If you were the applicant here, if you were applying and you were out in the audience and you came in here and we said well, maybe some day he's going to develop Phase 2, well, the zoning will allow you to put in 63 acres that will allow you to put in roughly 31 lots, but we don't have plans for 31 lots. You're the applicant, we're going to say well, we're going to review the back section too cause we think it's possible that maybe some day five, 10 or 20 or 50 years from now you're going to have the right to build 31 lots in the back.

MR. BERRY: I know what you're saying.

MR. ARGENIO: Would you think that was fair? Would that be fair to you as an applicant? I'm just asking.

MR. BERRY: No, I agree with you, so what you're saying the way to beat segmentation is to present it this way.

MR. ARGENIO: No, we have to review it based on what's in front of us.

MR. BERRY: But what I'm saying the way to sneak through the door--

MR. PETRO: You don't have to sneak through the door.

MR. ARGENIO: We're applying the laws of the Town.

MR. BERRY: Can a guy buy a parcel, sell that and put four or five houses on it and walk away?

MR. ARGENIO: You could do it if you wanted to.

MR. BERRY: For the dollar value, you'd have to sell the houses for \$2,000,000 a piece.

MR. ARGENIO: No.

MR. BERRY: We should look down the road. I feel we're very shortsighted here.

MR. ARGENIO: Take the culvert, that's maybe an eight inch culvert, at some point in time comes in and they want to put six houses on the 64 acres.

MR. BERRY: I want it in the minutes tonight I feel we're getting snookered. I don't feel they're presenting the whole picture here to the residents on Beattie Road.

MR. PETRO: I disagree with you.

MR. BERRY: You said, don't say you disagree, you said to me you can't project what they're doing. I feel what they're doing is they're going to chip away at it four or five houses at a time and we're going to have a monster behind us. Okay?

MR. PETRO: As long as they meet the codes and the laws that could be but the one thing you did say I agree with you a hundred percent, take the language off the plan, it's not a Phase 2, this is not a condo project, it's not a commercial project, take it off and use the wording remaining lands. I agree with that.

MR. BERRY: Is there a time limit before they can come back for the next phase or next--

MR. PETRO: Not on a major subdivision.

MR. EDSALL: Jim, they can't, out of this parent parcel, they cannot come back to resubdivide within three years. And if they do so, this subdivision, both this portion and any future portion becomes retroactively reviewable by the Health Department, that doesn't mean if there's another parent parcel, separate lot that they couldn't submit for that but this they could not come back within the next three year period, three years from the time it's approved, I believe, filed.

MR. ARGENIO: So somebody has thought of the things that you're mentioning already.

MR. BERRY: They can go through the first phase, they have three years before they can go back in and come to break out another area in the same lot, how about a lot across the street?

MR. EDSALL: Even unless they decide that they want to have it go to the Health Department, they have the right to come back and go to the Health Department, they would include this portion and the other portion.

MR. PETRO: So that would help you again with what you're saying, it would include all the housing.

MR. BERRY: They would have to show their hand then if they go to the Health Department.

MR. PETRO: Well, they couldn't even come back to us if they didn't go to the Health Department within the three year period.

MR. LANDER: Let's remember one thing, these five lots here have road frontage, they didn't have to have, this is just remaining lands of lot 5, whatever that might turn out to be, might be 75 acres.

MR. BERRY: Access road shows the hand.

MR. LANDER: But they didn't have to have that on there.

MR. BABCOCK: The access road is required because they can't leave a landlocked piece of property that's required.

MR. BERRY: I think it goes around up through the farm there's a road.

MR. BABCOCK: Well, this access road here we're requiring that they put that in for this remaining lands, so we don't have these landlocked pieces of property that the people are talking about.

MR. BERRY: That was a requirement that you put in.

MR. EDSALL: Part of the planning requirements of the Town.

MR. LANDER: But my point is they have road frontage for these five lots, so they didn't even have to have anything else on this plan, they could have came in, well, except for the 50 foot right-of-way for future development, but otherwise, Phase 2 they didn't have to have that.

MR. BERRY: Was that submitted on the first drawing or requested by you guys?

MR. MIELE: The 50 foot right-of-way it was on the first plan, we discussed that in the work shop.

MR. BERRY: So you know what direction they're going in?

MR. LANDER: Sooner or later, they're going to develop, they could be 10 or 20 acre lots, who knows.

MR. BERRY: Well, the numbers have got to work.

MR. ARGENIO: The numbers have to work.

MR. BERRY: You have to get a return on your money.

MR. LANDER: Industry turns back, suppose it turns the other way, goes down the back side.

MR. PETRO: Keep in mind the improvements they need to do to the lots are not very great, they're not building a road. Once this is done and they have to go in and start building a town road, we're talking about serious money right now, they're just accessing Beattie Road, huge difference.

MR. BERRY: Thank you.

MR. PETRO: Thank you. Anybody else?

MR. CULLEN: I just wanted to reiterate how can you

guys feel comfortable mitigating negative impact when you don't see the clear whole picture?

MR. SCHLESINGER: What's your concern? I mean, our concern is to evaluate the plans that are presented to us and make sure that the codes are all being followed. What's the concern that you're presenting here?

MR. CULLEN: Well, I think concern is SEQRA suggests as or recommends that things be looked at comprehensively and we all know here that the parcels are going to be designed and developed so to mitigate concerns such as water quality issues or septic things and all those things I think you need to look at it comprehensively rather than piecemeal because little parts might not be so bad, but all of them together lumped in might create an impact, a negative impact.

MR. PETRO: You know what, usually they do, traffic.

MR. SCHLESINGER: But one of the things this is a septic plan here and each one has to be evaluated as an individual parcel. But if you're talking about something like if they wanted to build a whole condo project, the town does evaluate that, they just put a water moratorium so they can't bring in a main to accommodate such a large complex and that's evaluated and those things are changed just like the water moratorium that was put in or even the size of the lots that were just changed, those things are taken into consideration and that's addressing I think what you're addressing and the purpose of that is to eliminate such large complexes.

MR. CULLEN: For runoff and water quality issues and ground water capacity, things like that I just feel that following SEQRA you should look at it comprehensively. Sounds like we're not, we're not doing that, we're beating that process.

MR. LANDER: We're only looking at five lots right now on a town road. They have town frontage, they can do those five lots lands remaining. When they come in for that, they're not going to do five lots, that's when you have to look at, that might never get built out.

We don't know that. So I understand what you're saying still we have to look at what they're presenting to us now, they can come back in three years with 30 homes, who knows, it could be 20 homes, that's what we have to review at that time.

MR. PETRO: Whatever needs to be upgraded to make it work.

MR. LANDER: When they have to put the town road but they have frontage on this town road they can develop that if they meet the criteria.

MR. PETRO: I know there's no more, I just want to say something before we close the public hearing, I don't want anybody here thinking that we don't have your concerns, we all live in New Windsor too and every morning we leave our houses. I can't get out on Route 32 from my house. Sometimes I need a canteen because I can't get on the road. So I understand everything you're saying. I know what it's like but we still have to act what we believe to be within the law, although you don't think so in this case and do the right thing for the person who owns the property. They have as much right as we do. And normally, my answer to a lot of people are what if that was your son's property or wife's property or somebody in your name family and you wanted to develop it, you would have rights same as these applicants have rights. Try to understand both sides. And we're not making light of any comments here at all just we have to work within a framework that's set before us so I don't want anybody saying those guys don't care. We do care or else we wouldn't be here in the first place. Motion to close the public hearing?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Beattie Road Associates major subdivision. Is there any further comments from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'm going to open it up back to the board for further review if you any further comments. Any of the board members? I know that you have to have some changes that we picked up now from the public hearing, you're going to check out where the elm tree is for this gentleman here, plot it on here and just put save wherever that tree would be. Just one tree?

MR. CULLEN: Yes, right along the road.

MR. LANDER: Wetlands.

MR. PETRO: Second one you're going to delineate Federal wetlands on the bottom of lot four or one, I'm sorry.

MR. BABCOCK: Any wetlands, Mr. Chairman.

MR. PETRO: That are impacting the lots anywhere.

MR. CULLEN: State and Federal?

MR. PETRO: Yes.

MR. LANDER: Tenth of an acre now.

MR. EDSALL: For disturbance now.

MR. PETRO: Number 3, you're going to remove Phase 2 off the plan, just put remaining lands. Mark, do you have any other comments you want to go over quickly?

MR. EDSALL: No. I have some notes from various items, I'll work with the applicant at the workshop.

MR. PETRO: Any of the members have anything you want

to say to the applicant?

MR. LANDER: Label Beattie Road also, let's not forget lot 5 is 12.3 acres, I buy that lot, I can subdivide that, it's 12.3 acres.

MR. PETRO: Well maybe a little bit less if this young lady here gets her piece of land.

MR. LANDER: Well, even so.

MR. PETRO: I think that's a good idea, too, of course you'd be opening up other lands for further development but that's their right, you know, so I would try to work together with them, see if you can get that on the map. Thank you. Everybody thank you for a very informative public meeting.

MR. MIELE: In light of the minor comments that were there and everything we read in the minutes, can I request conditional final pending changing those items?

MR. PETRO: You didn't, in my 8 January, 2003 comments I notice several areas of concern, these remain open items, these comments should be addressed on the next plan submitted. So, in other words, it wasn't done and I don't know what those comments are, so until Mark tells me there's nothing here, I don't want to do that.

MR. DINARDO: Assuming they're not major, I don't know if they're major, of any consequence.

MR. EDSALL: Well, we didn't even get a new plan for tonight.

MR. MIELE: We didn't?

MR. EDSALL: There was no submittal for tonight's meeting, you worked off the old plan, so any of the issues we discussed at the workshop we haven't even gotten a new plan addressing those.

MR. MIELE: I just want to make sure so--

MR. EDSALL: So I would feel more comfortable.

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MR. PETRO: Redo the whole thing, come back and we'll do a preliminary, if we get that far. Okay?

MR. MIELE: Okay, thank you.

REGULAR ITEMS:

TRAINOR/ROOSJE LOT LINE CHANGE (03-09)

Ms. Lisa Trainor appeared before the board for this proposal.

MR. PETRO: All right, this application appears to involve, appears, how come we don't know what it involves? Appears to involve?

MR. EDSALL: You never know what they're going to slip in.

MR. PETRO: Simple lot line revision between two lots off the private road, R-1 zone. So the comments are technical, Mark?

MR. EDSALL: Mr. Chairman, just as an update, the one comment I did have I talked to Dan Yanosh about and I just looked at the applicant's plan and they've made that correction.

MR. PETRO: Okay.

MS. TRAINOR: Mine say something a little different than yours.

MR. PETRO: Show us what you want to do.

MS. TRAINOR: We own lot number 4 right here and this is Mr. Roosje's property, we would like to give Mr. Roosje 35 feet from here right over to the turnaround, there's a turnaround for the road that goes in here.

MR. ARGENIO: Why do you want to do that?

MS. TRAINOR: You want to ask that? Mr. Roosje was very agreeable when we subdivided a larger parcel and he asked for it and I'd like to cooperate with him. I'm not exactly sure what he wants to do with it.

MR. LANDER: We were just curious, 35 feet.

MS. TRAINOR: He just wants 35 feet and I'd like to

cooperate with him.

MR. PETRO: Planning board may wish to assume lead agency.

MR. LANDER: Sure.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board assume lead agency for the Trainor lot line change on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. LANDER: Your comment 2 is taken care of, Mark?

MR. EDSALL: Yes, as I said, the only thing that had to be changed if you look at the line above the top of the turnaround north 714, 719 that line cut off the necessary frontage for lot 4 so they had to slide that line to the right so it lined up with the private road.

MS. TRAINOR: He gave me a couple copies.

MR. EDSALL: Keep them so you'll turn them right in.

MR. PETRO: We have fire approval on 3/3/03. Planning board should determine if a public hearing is necessary.

MR. LANDER: Negatory.

MR. ARGENIO: Make a motion we waive the public hearing.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Trainor lot line change on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Trainor lot line change on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I see absolutely no reason that this cannot go forward. Anybody else have any comments? I will entertain a motion for final approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the

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Trainor lot line change on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

FIRST COLUMBIA (03-200) DEIS

MR. PETRO: Determination of completeness represented by Chris Bette, I guess Mark Edsall's going to fill us in?

MR. EDSALL: Very quickly at the previous appearance, we had some difficulties and questions on the DEIS. We suggested that you defer accepting it so that some revisions could be made. We have had several meetings, Chris and I have been working getting what we believe is some additional information into the EIS to make it more complete. Attached I have a list of bulleted items that were from a larger list that we boiled down to things we concur jointly need to be modified. My suggestion would be that you hear from Chris if it's his agreement to make these modifications, if that's the case, my suggestion would be that you vote to deem the document complete and acceptable for public review and make it available for circulation once these corrections are incorporated.

MR. PETRO: You're going to make that determination?

MR. EDSALL: Yeah. I would suggest that when Chris gets it done we get together again, maybe get one set, I will go through, doublecheck it and he can go to publication and get it out so as long as Chris is in agreement.

MR. PETRO: You are in agreement, Mr. Bette?

MR. BETTE: All the changes have already been made so we're ready to go.

MR. PETRO: So once Mark agrees with you and it can go right directly to publication if we vote that night.

MR. BETTE: Yes.

MR. PETRO: Do any of the members have any objections or additions?

MR. ARGENIO: No.

MR. PETRO: So I'll entertain a motion to accept the DEIS for the First Columbia once Mark has signed off on it that it's ready for publication and circulation.

MR. LANDER: For its completeness.

MR. PETRO: For completeness only.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board accept the DEIS for First Columbia with the subject-to's that I just read in. Are there any further comments from the board? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Chris, before you go, the town attorney asked me to ask you the headquarters building, this is on another matter that you're in the process of making a lease with there's a bar in there, I guess that bar seems to have some significance to historic things that have taken place in the area, is it possibility that that will not be destroyed and that you can take it out and donate it to the town if they can use it and maybe store it somewhere for us in one of the buildings?

MR. BETTE: I can ask the tenant. I don't know what their plans are for the inside of the facility but it's not for bar use so--

MR. PETRO: With the stipulation that the tenant was not going to use it just if it was going to be destroyed or removed that the town would like to hold onto it for a while.

MR. BETTE: Okay. Can I go back to--that's not a problem, can we just go back to the completeness issue and if it's agreeable to the board, can we do the necessary things that need to be done for the next step, I guess by the action we just passed the board has authorized us to send out the notices for completion, with those notices, I'd like to send out a notice of public hearing and schedule a public hearing, if agreeable.

MR. PETRO: I think the board can authorize the public hearing once we get to that point, in other words, if all the ducks fall in a row, if Mark agrees that it's ready for publication, ready for circulation.

MR. EDSALL: I think what Chris and I kind of neglected to bring this up because Chris and I did talk about it, the way the code reads once you circulate I believe you have to from the notice have at least 15 days before you can have a public hearing and I had suggested that by the time this is published in the environmental news bulletin it's circulated and copied and everything else the next recommend date that we can probably go with is May 14 for the public hearing. So I think maybe the record could reflect that that's our goal and then as long as the board authorizes public hearing once everything's ready if we can meet that date, fine.

MR. PETRO: We can authorize the public hearing once you find that it's ready to be done.

MR. EDSALL: And we'll work toward that goal. Well, the hard part is we're going to have to send out notices so we're going to have to get this resolved and send out a different type of notice for SEQRA.

MR. BABCOCK: Notice has to have the date on it.

MR. PETRO: You can resolve it as long as we authorize the public hearing for the DEIS. Motion to that effect.

MR. EDSALL: It would be a joint public hearing both to deal with SEQRA which is the big picture for the entire as you know you incorporated all the buildout but also

deal with the minor subdivision just to get that out of the way.

MR. BETTE: The action that we originally came in for subdivision of Parcel H.

MR. PETRO: We're going to, I'll entertain a motion to authorize public hearing for the DEIS for First Columbia.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a public hearing for the DEIS review and public hearing for such whenever Mark says it's ready to go and that all legal avenues have been fulfilled. Is there any further discussion? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION - BEATTIE ROAD ASSOCIATES

MR. KARNAVEZOS: Andy and I were just talking before Mulligan properties or whatever it was, weren't they the people that set, there was a letter that they said that they had power of attorney of that property?

MR. BABCOCK: Yes.

MR. KARNAVEZOS: Did we ever get that straightened out?

MR. BABCOCK: Yes.

MR. KRIEGER: It wasn't for a while, it is now because what I told them to do is go get a new proxy which they did.

MR. KARNAVEZOS: I thought that this all went on and we never--

MR. ARGENIO: We didn't have proxies.

MR. KRIEGER: No, you may have noted on the agenda a long time between the last time they were here and now.

MR. KARNAVEZOS: No, they were here.

MR. KRIEGER: They were here in January that was I mean the long time for review. What happened on January 8 was before the present attorneys were advising them when they hired new counsel that's the last time they came in, it wasn't a review of the plans, just conference and introduction and then they were told by their new attorney it would be necessary to get a new proxy because it would--

MR. PETRO: You're satisfied at this time?

MR. KRIEGER: Yes.

MR. BABCOCK: They wouldn't have been on the agenda if they weren't.

MR. KARNAVEZOS: Just didn't pick that up because I thought it was either the last meeting or the meeting

before.

MR. ARGENIO: I think what Mike said is the appropriate thing if that wasn't resolved they wouldn't even hit the headlines for tonight, right?

MR. KARNAVEZOS: Just struck me and I don't feel that we thought about it.

MOORES HILL ESTATES - DISCUSSION

MR. EDSALL: I received a phone call this afternoon from the engineer, Larry Toro from AFR who's working on the Moores Hill subdivision, it's been around since '99 and they're the ones that had quite a bit of issues with wetlands and been working with DEC and Health Department and Army Corps of Engineers, they're on the home stretch, they're getting final comments addressed and their client is seeking approval to just start some clearing of the road and start some grading. He did fax me a letter, I forgot it tonight, but it seems pertinent they have been working on this subdivision for four years and it seems like they're very close and they just want to get started on the road so I'll pass on the request, just wants to start clearing and prepping maybe some grading of the road area, they did offer in the letter pay any fees to make sure that the proper inspections would occur, so they do want to follow the normal course.

MR. PETRO: It's not a problem, I don't have a problem with it, you're going to handle it, make sure it doesn't escalate.

MR. EDSALL: Correct.

MR. PETRO: Any members have a problem with it?

MR. LANDER: No.

MR. PETRO: You have direction then.

MR. EDSALL: Thank you.

DISCUSSION

MR. PETRO: I see tonight with the public hearing we had a 5 lot public hearing, you can sense the anger in the crowd, it's just going to get worse and worse and worse as development moves in.

MR. BABCOCK: These are the people notified three times when they shouldn't have been notified, they're aggravated, they've come to the office, we tell them there's no public hearing.

MR. ARGENIO: They have a right to be aggravated. Nothing that we did or didn't do.

MR. BABCOCK: But they advertised when they should not have, they were telling me outside now they feel that he's trying to pull something over their eyes because he has advertised this thing and then the public hearing didn't exist.

MR. ARGENIO: I would probably feel the same way.

MR. LANDER: You'll get tired of coming.

MR. KARNAVEZOS: My point is like Jim said before, they have every right to build, they can build all those lots, 2 acre, all 2 acre lots, they can build another 30 houses.

MR. MASON: But everybody in the audience--

MR. KARNAVEZOS: If they want another 5 houses, it's a major subdivision, so they have to go through the whole process all over again.

MR. MASON: Everybody in the audience lives there now they're there, they just don't want no more.

MR. PETRO: It's going to get worse and worse and worse.

MR. SCHLESINGER: Their issue was the long term and total conglomerate of what can happen three or five years down the road. One of the guys, I forget which

one said he started to say and maybe he stopped what about the schools and the water and everything like that. Our job which you really said was to address what's presented in front of us. The Town, by setting the water moratorium or by changing the zoning, the size of the lots and everything addresses the things like the schooling and the traffic and things like that, that's not our job.

MR. ARGENIO: Precisely correct.

MR. SCHLESINGER: All we had to do is tell them the only thing we're addressing now is what's in front of us, what happens down the road, that's done in a more of an overall thing by the Town.

MR. PETRO: Keep in mind what you're saying, you're telling everybody who's educated on the process and agrees with you, these people don't want to hear that, so it doesn't matter that you're saying that.

MR. SCHLESINGER: The thing is it really was a black and white issue in the sense that we're only addressing what's in front of us, above and beyond that it's not our job to do that.

MR. PETRO: They're were trying to do a little dance to say it was segmentation.

MR. BABCOCK: He had a Tectonic hat on so--

MR. PETRO: Okay, motion to adjourn?

MR. KARNAVEZOS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE

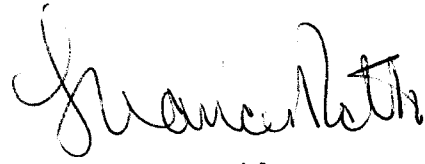
April 9, 2003

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MR. PETRO

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth". To the right of the signature, the date "4/21/03" is handwritten.

Frances Roth
Stenographer